

of debts in this state and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS

6. Defendant placed collection calls to Plaintiff, seeking and demanding payment for an alleged consumer debt owed under an account number.

7. Upon information and belief, Defendant began placing collection calls to Plaintiff in March of 2010.

8. During collection calls, Defendant has lied to, or at the very least misled Plaintiff, alleging that Defendant was going to commence litigation against Plaintiff, when Defendant does not have the standing to commence litigation against Plaintiff.

9. Upon information and belief, during a collection attempt in January of 2010, Defendant called Plaintiff’s father and alerted him to Plaintiff’s alleged debt, without Plaintiff’s consent.

10. During collection calls, Defendant spoke to Plaintiff in an offensive manner, stating, “You can’t consolidate this loan and you won’t qualify for anything else, good luck.”

11. As a result of the acts alleged above, Plaintiff suffered severe emotional distress resulting in stress.

IV. CLAIM FOR RELIEF

12. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.

13. Defendants violated the FDCPA. Defendants’ violations include, but are not limited to, the following:

- (a) Defendant violated §1692e(10) of the FDCPA by using false, deceptive and/or misleading representations or means in connection with the collection of any debt, such as the representation that Plaintiff could not consolidate her student loans; and
- (b) Defendant violated §1692c(b) of the FDCPA by contacting a third party in connection with the collection of the alleged debt without the consent of the Plaintiff and the contact was not in a manner covered by §1692b of the FDCPA; and

(c) Defendant violated §1692d(2) of the FDCPA by using language the natural consequence of which was to abuse the hearer or reader.

14. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

15. As a result of the foregoing violations of the FDCPA, Defendant is liable to the plaintiff Claudia Santiago for declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, and costs and attorney fees.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against defendant F.H. Cann and Associates, Inc., for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA.
- B. Actual damages.
- C. Statutory damages pursuant to 15 U.S.C. § 1692k.
- D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k.
- E. For such other and further relief as the Court may deem just and proper.

RESPECTFULLY SUBMITTED,

By: /s/ Derek DePetrillo

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DEMAND FOR JURY TRIAL

Please take notice that plaintiff Claudia Santiago demands trial by jury in this action.